

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>UNITED STATES OF AMERICA</b>	)	
	)	<b>Docket No.: 1:13CR350</b>
<b>v.</b>	)	<b>Judge Brinkema</b>
	)	
<b>JAMEEL ALEEM</b>	)	

**DEFENDANT JAMEEL ALEEM'S MOTION TO DISMISS INDICTMENT**

**COMES NOW** the Defendant Jameel Aleem, and moves to dismiss the indictment for lack of jurisdiction. As reasons therefor, defendant states as follows:

1. Defendant Jameel Aleem is charged in a 37 page Superceding Indictment. He is only mentioned charged with Count 5, Conspiracy to Distribute 280g or more of Cocaine Base, in violation of 21 U.S.C. §§ 841, 7846.

2. The overt acts that Mr. Aleem is alleged to have performed as part of the conspiracy are listed in the "Overt Act" section of the indictment. The relevant parts of the Indictment read:

In Furtherance of the conspiracy and to achieve the objective thereof, the defendants, and others known and unknown to the grand jury, performed and caused to be performed a host of overt acts in the Eastern District of Virginia and elsewhere. The conspirators performed these other acts, including, but not limited to the following overt acts, among others, in the Eastern District of Virginia and elsewhere:

19. On multiple occasions in and around the Spring and Summer of 2012, JAMEEL ALEEM a/k/a NINO B sold approximately 70 grams of cocaine

base to an unindicted UBN/Bloods Street Gang Member

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20. On or about June 28, 2012, CHRISTOPHER HEAD a/k/a BRISS and an unindicted member of the UBN/Bloods Street Gang used a telephone to contact JAMEEL ALEEM a/k/a NINO B because the money he turned over in furtherance of narcotics sales was smaller than expected.

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57. In 2012, JAMEEL ALEEM a/k/a NINO B distributed cocaine base to unindicted UBN/Bloods Street Gang members for further distribution.

3. The Fourth Circuit has determined that "a conspiracy may be prosecuted in any district in which the agreement was formed or in which an act in furtherance of the conspiracy was committed." United States v. Gilliam, 975 F.2d 1050, 1057 (4th Cir. 1992).

4. In preparation for trial and reviewing the discovery, it appears that any and all acts that are mentioned as part of the conspiracy are events that allegedly happened in jurisdictions other than the Eastern District of Virginia, or alternatively do not provide any indication as to where the event occurred. Assuming *arguendo* that the events that are the basis for the conspiracy are proven, there is no basis to show that the events and/or agreement were made in the Eastern District of Virginia. Accordingly, the indictment and its allegations provide no basis to assert jurisdiction to accuse Mr. Aleem of conspiracy and accordingly convict him of the same.

5. For these reasons, this court should dismiss the Indictment against Mr. Aleem for failing to establish jurisdiction.

6. WHEREFORE, defendant Jameel Aleem prays that this court sever the defendants as requested above.

Respectfully submitted,

/s/

John L. Machado,  
Bar Number 36156  
Attorney for Jameel Aleem  
Law Office of John Machado  
503 D Street NW, Suite 310  
Washington, D.C. 20001  
Telephone (703)989-0840  
Fax: (202)783-1201  
Email: [johnmachadoesq@kreative.net](mailto:johnmachadoesq@kreative.net)

**Certificate of Service**

I hereby certify that a true copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system this 3rd day of December, 2013, which will send a notification of such filing (NEF) to the following: to Adam Schwartz, Assistant U.S. Attorney, 2100 Jamieson Avenue, Alexandria, Virginia 22314 and all counsel of record.

/s/

John L. Machado,  
Bar Number 36156  
Attorney for Jameel Aleem  
Law Office of John Machado  
503 D Street NW, Suite 310  
Washington, D.C. 20001  
Telephone (703)989-0840  
Fax: (202)783-1201  
Email: [johnmachadoesq@kreative.net](mailto:johnmachadoesq@kreative.net)